

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,	*
	*
Plaintiff and	*
Judgment Creditor,	*
	*
v.	* Civil No. JFM-98-2568
	*
WILLIAM A. ARMSTRONG,	*
	*
	*
Defendant and	*
Judgment Debtor,	*
	*
Seaton Corporation	*
860 W. Evergreen Avenue	*
Chicago, IL 60622,	*
	*
Garnishee.	*
	*

INSTRUCTIONS TO DEBTOR  
CLERK'S NOTICE OF POST JUDGMENT GARNISHMENT

You are hereby notified that this Writ of Continuing Garnishment of Wages is being taken by the United States of America (the "Government") which has a Court judgment in JFM98-2568, in U.S. District Court for the District of Maryland in the sum of \$6,602.64, plus costs and applicable interest as determined by law.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if William A. Armstrong can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Maryland.

If you are William A. Armstrong, you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it says you do, or

if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the Court within 20 days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by checking the box below. You must either mail it or deliver it in person to the Clerk of the United States District Court at 4th Floor, Room 4415, Baltimore, Maryland, 21201. You must also send a copy of your request to Thomas F. Corcoran, Assistant United States Attorney at 4th Floor, 36 South Charles Street, Baltimore, Maryland 21201, so the Government will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. At the hearing you may explain to the judge why you think you do not owe the money to the Government.

If you think you live outside the federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at 4th Floor, Room 4228, Baltimore, Maryland, 21201. You must also send a copy of your request to Thomas F. Corcoran, Assistant U.S. Attorney, at 4th Floor, 36 South Charles Street, Baltimore, Maryland, 21201, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

FELICIA C. CANNON, CLERK  
UNITED STATES DISTRICT COURT

BY: \_\_\_\_\_  
Deputy Clerk

REQUEST FOR HEARING BEFORE A UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA v. WILLIAM A. ARMSTRONG

Case Number: JFM- 98-2568

☐ I request a hearing before a United States Magistrate Judge.

☐ I request a hearing before a United States Magistrate Judge within 5 days.

☐ I claim an exemption. See the attached.

DATED: \_\_\_\_\_  
William A. Armstrong  
Defendant/Debtor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

**NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the Clerk's office of this Court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the Court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to Court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to Court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ☐ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ☐ 2. Veterans' benefits (38 U.S.C. § 3101).
- ☐ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ☐ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ☐ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ☐ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ☐ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ☐ 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ☐ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ☐ 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:

Optional Federal Exemptions. You can claim items XX(a) through XX(l) or you can claim exemptions under your state law as described in items YY through ZZ.

- (a) ☐ \$18,450 of equity in your residence.
- (b) ☐ \$2,950 of equity in a motor vehicle.
- (c) ☐ Jewelry worth up to \$1,225.
- (d) ☐ Personal property worth up to \$9,850. (However, no single item worth more than \$475 can be claimed as exempt.)
- (e) ☐ Property totaling up to \$975 in value, plus up to \$9,250 of any unused amount of the exemption provided in number 11(a) above.
- (f) ☐ \$1,850 of equity in professional books, implements or tools, of your trade or your dependant's trade.
- (g) ☐ Any unmaturred life insurance contract you own, other than credit life insurance.
- (h) ☐ The aggregate value, up to \$9,850, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are independent of the insured.
- (i) ☐ Professionally prescribed health aids for you or your dependants.
- (j) ☐ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k) ☐ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

- (1)\_\_\_ Your right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
  - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;
  - a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
  - a payment, not to exceed \$18,450, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
  - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of your dependants.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: The law of the state where you have been domiciled for at least 180 days governs your rights.

NOTE: If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

		<u>Fair market value</u>
___ 9.	Homestead or Residential Property (Md. Cts. & Jud. Proc. Code Ann. §§ 11-504 and 507)	_____
___ 10.	Personal Property (Md. Cts. & Jud. Proc. Code Ann. § 11-504)	_____
___ 11.	Wages (Md. Com. Law Code Ann. § 15-601.1)	_____
___ 12.	Workers' Compensation (Md. Ann. Code art. 101, § 50 Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b))	_____
___ 13.	Unemployment Compensation (Md. Ann. Code art. 95A, § 16)	_____
___ 14.	Public Assistance (Md. Ann. code art. 88A, § 73)	_____
___ 15.	Tenancies by the Entirety (In re Ford, 3 B.R. 599 (B. Ct. D. Md. 1980); Sumy v. Schlossberg, 12 C.B.C.2d 822 (D. Md. 1985))	_____
___ 16.	Trade Implements (Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b)(1))	_____
___ 17.	Miscellaneous Benefits (Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b)(2))	_____
___ 18.	Partnership Property	_____

(Md. Corps. & Ass'ns.  
Code Ann. § 9-502)

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|-----|-----|--|-----|
| ___ | 19. | Pensions and Retirement Benefits<br>(Md. Ann. Code art. 73B, § 17 and<br>provisions cited in note thereafter;<br>Md. Cts. & Jud. Proc. Code Ann. § 11-504-(h)) | ___ |
| ___ | 20. | Insurance<br>(Md. Ann Code art. 48A, § 385)  | ___ |
| ___ | 21. | Cemeteries and Burial Property<br>(Md. Ann. Code art. 23, § 164)   | ___ |
| ___ | 22. | Crime Victims' Compensation Awards<br>(Md. Code Ann. art. 26A, § 13)   | ___ |
| ___ | 23. | Fraternal Benefit Society Benefits<br>(Md. Ann. Code art. 48A, § 328; Md.<br>Ests. & Trusts Code Ann. § 8-115 (1974))  | ___ |

The statements made in this claim of settlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

Debtor/Defendant's Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_